

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Social Welfare Department – Land Acquisition for House Sites – Kurnool District – Yemmiganur village and mandal - Land acquired for provision of house sites to the weaker section people – Sanction of Rs.98,06,251/- for re-determination compensation U/s 28-A of the LA Act, to the petitioners 1 to 9, as directed by the Hon'ble High Court of A.P., in WP.No.6015/2007, dated:20.7.2010, for the lands acquired to an extent of Ac.24.65 Cts (Out of total extent Ac.62.07 Cts) in OP No.14 and 15 of 1991 – Orders-Issued.

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### SOCIAL WELFARE (LA.2) DEPARTMENT

G.O Rt.No. 389

Dated:19.05.2014

Read the following

1. From the Dist Collector, Kurnool Lr.No.H.48/SWLA/2010, dated 12.9.2011.
2. From the CSW, A.P., Hyderabad Lr.No.LA4/8205/2011, dated 24.9.2011.
3. From the Spl. CS & CCLA, AP, Hyd. Ref No S2/583/2011,dated 01.08.2013
4. G.O. Ms. No.74 Finance (BG.I) Department dated 01.04.2014.

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### ORDER:

In the reference 3<sup>rd</sup> read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the LAO/MRO, Yemmiganur has acquired lands to an extent of Ac. 62.07 cts in Sys. No : 124/A etc., situated at Yemmiganur village and mandal in Award Procs No. 1/89, dated 07.07.1989, duly fixing the market value of Rs. 30,600/- per acre (for dry lands) and Rs.32,000/- per acre (for ID lands). Aggrieved by the fixation of the market value awarded by the LAO, some of the land owners filed OP before the Subordinate Judge, Adoni in LAOP No ; 14/91 and 15/91. The Sub-Ordinate Judge, Adoni in his common order dated 17.11.1997 in OP.No.14/91 and 15/91 has enhanced the market value to 54,000/- to per acre. Aggrieved by the Lower Court order, the Claimants have filed AS. No.1401/98 and 800/98. The Hon'ble High Court of A.P. in its common judgement in AS. Nos. 778, 800,1401/98 and 106/99, dated:14.2.2006, has dismissed the appeals filed by the State and allowed the appeals filed by the claimants and enhanced the market Value from Rs.54,000/- to Rs.1,00,000/- per acre. The Government Pleader for Appeals, High Court of A.P. in his Lr dated 04.5.2006 has opined that these are no valid grounds to disagree with the findings and finally opined that these are not fit cases to prefer further appeals to the Supreme Court of India. However, as per the instructions of the District. Collector, Kurnool , the Tahsildar, Yemmiganur has filed the SLP, but the Supreme Court of India has dismissed the SLP No.23524-27/2007, dated:19.10.2009 on the grounds of delay.

2. Thereafter, proposals were submitted to the Government through the Commissioner of Social Welfare, A.P., Hyderabad/the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad for release of Rs.23,68,207/- towards decretal charges to deposit in the Sr. Civil Court, Adoni in OP.No.14/91 and 15/91 of Yemmiganur village. Accordingly the Government have sanctioned the said amount vide G.O.Rt.No.575, S.W.(LA) Dept., dated:22.7.2011, as per the Hon'ble High Court orders, dated:14.2.2006, towards the balance decretal charges in AS.No.778, 800, 1401/98, in AS.No.106/1999 in OP.No.14/91 and 15/91 in respect of the land acquired to an extent of Ac.6.70 Cts in Sy.No.178/AS, 124/A and 157/D2 situated at Yemmiganur village and mandal of Kurnool District. As the matter stood thus, Sri K.Bazarappa and 8 other filed an application U/s 28-A of the LA Act, on 06.2.1998, claiming re-determination of the compensation awarded in accordance with the Judgement passed in O.P.No.14 and 15 of 1991, dated 07.11.1997. The MRO, Yemmiganur has issued the

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endorsement, dated 28.11.2006, stating the petitioners have not submitted the applications within the stipulated time U/s 28-A of the LA Act. Further, Sri K.Bazarappa and 9 others have filed in W.P.No.6015/2007 in the High Court of AP, Hyderabad. The Hon'ble Court has passed orders in W.P.No.6015/2007, dated:20.7.2010, as follows:-

“Indisputably, the petitioners 1 to 9 filed the application within three months of the award passed by the Civil Court, whereas, 10<sup>th</sup> petitioner did not choose to make an application within the period stipulated for re-determination of the amount of the compensation consequent on the judgement passed by the Civil Court in OP.Nos.14 and 15 of 1991. Therefore, the 10<sup>th</sup> petitioner is not entitled to claim any relief”. The Writ Petition is allowed in part directing the respondents to re-determine the amount of compensation payable to the petitioners 1 to 9 keeping in view the common order passed by the Civil Court in OP.No.14 and 15 of 1991 and also the common judgment of this Court in AS.Nos.1401 of 1991 and 778/1998. No costs”.

3. The District Collector, Kurnool has submitted proposals U/s 28-A of the LA Act, for re-determination of compensation payable to the petitioners 1 to 9, as directed by the Hon'ble High Court in WP.No.6015/2007, dated 20.7.2010, for sanction of Rs.98,06,251/- for the lands acquired to an extent of Ac.24.65 Cts (total extent Ac.62.07 Cts) in Sy.Nos.124/A etc., situated at Yemmiganur village & mandal of Kurnool District for providing house sites to the weaker section people.

4. After verification and scrutiny of the proposals of the Commissioner of Social Welfare, A.P., Hyderabad/District Collector, Kurnool, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent the comparative calculation sheet for sanction of an amount of Rs. 98.06,250/- (Rupees Ninety eight lakhs six thousands two hundred and fifty only) for re-determination of compensation U/s 28-A of the LA Act, to the petitions 1 to 9, as directed by the Hon'ble High Court in WP.No.6015/2007, dated:20.7.2010, for the lands acquired to an extent of Ac.24.65 Cts (Out of total extent Ac.62.07 Cts in OP No. 14 and 15 of 1991) in Sy.Nos.124/A etc., situated at Yemmiganur village & mandal of Kurnool District for providing house sites to the weaker section people.

5. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release of an amount of Rs. 98.06,250/- (Rupees Ninety eight lakhs six thousands two hundred and fifty only) for re-determination of compensation U/s 28-A of the LA Act, to the petitions 1 to 9, as directed by the Hon'ble High Court in WP.No.6015/2007, dated:20.7.2010, for the lands acquired to an extent of Ac.24.65 Cts (Out of total extent Ac.62.07 Cts in O.P No. 14 and 15 of 1991) in Sy.Nos.124/A etc., situated at Yemmiganur village & mandal of Kurnool District for providing house sites to weaker section people.

6. The expenditure sanctioned in para (5) above shall be met within the Budget 2014-15 (Vote on Account) and debited to the following Head of Account:

**“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.**

7. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary proceedings to the District Collector, Kurnool to comply with the Hon'ble High Court orders in WP.No.6015/2007, dated:20.7.2010, for re-determination of the compensation U/s 28 of LA Act, as per the judgment of the Lower Court in O.P No. 14 and 15 of 1991.

8. The District Collector, Kurnool shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before the issue of the proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

Contd.,

9. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009, read with Finance (ESW) Deptt., U.O No.8474/101/A2/ESW/14, Dated 03.04.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.S. RAWAT**  
**SECRETARY TO GOVERNMENT (SW)**

To  
The Special Chief Secretary & Chief Commissioner of Land Administration,  
A.P., Hyderabad  
The Commissioner of Social Welfare, A.P., Hyderabad,  
The District Collector, Kurnool .  
Copy to:  
The Director of Treasury & Accounts, A.P., Hyderabad,  
The Accountant General, A.P., Hyderabad,  
The District Treasury Officer, Kurnool District.  
Finance (Exp.SW/BG) Department  
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER